REMARKS

This Amendment is in response to the Office Action mailed November 6, 2002. In the Office Action, claims 1-5, 6, 7, 9, 10, 11, 14, 15, 19, and 20 were rejected under 35 U.S.C. §102(e); and claims 8, 12, 13, 16, 17, and 18 were rejected under 35 U.S.C. §103(a). Reconsideration in light of the amendments and remarks made herein is respectfully requested.

II. REJECTION UNDER 35 U.S.C. §102(e)

In the Office Action, claims 1-5, 6, 7, 9, 10, 11, 14, 15, 19, and 20 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,835,725 issued to Chiang et al. ("Chiang"). Applicant respectfully traverses the rejection because a prima facie case of anticipation has not been met.

Chiang discloses an address assignment technique that enables an intermediate station of a computer network to dynamically assign an address to an end station (Chiang, column 4, lines 65-67). The end station initiates the session by issuing a novel address assignment request to the intermediate station. In response to the request, the intermediate station assigns the end station an address chosen from a pool of addresses allocated to the intermediate station. If the assigned address is unacceptable, the end station reissues the address assignment request to which the intermediate station allocates another address from the pool (Chiang, column 5, lines 2-10).

As the Examiner is aware, to anticipate a claim, the reference must teach every element of a the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Vergegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Therefore, the §102(e) rejection must be withdrawn if Chiang does not disclose, either expressly or inherently, each and every limitation set forth in the claims. As set forth below, Chiang does not disclose each and every limitation set forth in claims 1-5, 6, 7, 9, 10, 11, 14, 15, 19, and 20.

In general, with respect to claims 1, 14, 15, 19 and 20, Chiang does not disclose, either expressly or inherently: (1) sending (and receiving) a request for information about a destination node from a source node to a server node that responds to such requests on behalf of the

destination node, (2) forwarding the request from the server node to the destination node, (3) sending (and receiving) a response to the request from the destination node to the server node, and (4) forwarding the response from the server node to the source node. Chiang merely discloses address assignment and resolving addresses prior to establishing the communication session. Furthermore, the request for address assignment only involves two stations, the end station and the intermediate station, not at least three nodes as recited in the claims.

With respect to claims 6 and 11, Chiang merely describes a request for assignment and does not disclose the Next Hop Resolution Protocol (NHRP). Because it is a mere request for assignment, the intermediate and end stations do not work under the next hop protocol (Claim 6, element A and Claim 11, element A). The intermediate station merely selects an address from a pool of address and assigns it to the end station. Since Chiang does not disclose a NHRP, Chiang does not disclose determining at the Next Hop Servers (NHS) to forward the NHRP resolution request to the destination station. (Claim 6, element B; Claim 11, element B) Chiang merely disclose communication between the end station and intermediate station, Chiang does not disclose a source node, a server node, and a destination node which involves at least three nodes. Chiang merely discloses an intermediate station which cannot act as both a server node and a destination node. (Claim 6, elements C-F; Claim 11, elements C-G).

Since Chiang fails to disclose any one of the above elements, Applicant respectfully requests the rejection under 35 U.S.C. §102(e) be withdrawn.

II. REJECTION UNDER 35 U.S.C. §103(A)

In the Office Action, claims 8, 12, 13, 16, 17, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,835,725 issued to Chiang in view of U.S. Patent No. 6,061,739 issued to Reed et al. ("Reed"). Applicant respectfully traverses the rejection because a prima facie case of obviousness has not been met.

Reed discloses a network address assignment using physical address resolution protocols. A device attempts a connection to a network causing address resolution packets to be generated. Thereafter, it adopts the network address in the unanswered ARP packets (Reed, col. 6, lines 16-17). Therefore, Reed merely discloses an address assignment technique.

There is no motivation to combine Chiang and Reed because neither of them addresses the problem of address resolution of a destination node as set forth in claim 1 (lines 2-6), claim 6 (line 6), claim 14 (lines 4-6 and lines 9-10) and claim 19 (lines 2-4 and 6). There is no teaching

or suggestion that communication between a source node, a server node, and a destination node is present (Claims 1, 2, 6, 11, 14, 16 –20). Chiang, read as a whole, does not suggest the desirability of requesting instruction of a destination node by a source node via a server node.

Chiang and Reed, taken alone or in any combination, does not disclose, suggest, or render obvious: (1) sending a request for information about a destination node from a source node to a server node that responds to such requests on behalf of the destination node, (2) forwarding the request from the server node to the destination node, (3) sending a response to the request from the destination node to the server node, and (4) forwarding the response from the server node to the source node. As argued above, Chiang and Reed merely discloses address assignment, which is not the same as address resolution. In addition, Chiang and Reed merely disclose communication between two stations, and not at least three nodes including a source node, a server node, and a destination node.

Reed merely discloses if the device does not receive an answer for some period of time, it will adopt the address of the unanswered ARP's. This time is not related to the time, value, and length because it is not unique and it is not an extension to the registration request as recited in Claim 8.

Based on the discussion above, a prima facie case of obviousness has not been established because there is no teaching, suggestion or motivation to combine the references. "When determining the patentability of a claimed invention which combined two known elements, 'the question is whether there is something in the prior art as a whole suggest the desirability, and thus the obviousness, of making the combination.'" See In re Beattie, Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 1462, 221 U.S.P.Q. (BNA) 481, 488 (Fed. Cir. 1984)). Hence, Applicant believes that independent claims 1, 6, 11, 14-20 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejection(s) under 35 U.S.C. §103(a) be withdrawn.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

No changes have been made to the claims.

CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on: March 6, 2003 .

Tu Nguyen *3/6/03*
Date